



CENTRAL DELTA WATER AGENCY

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March 24, 2008

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Re: NOI - Bay-Delta Conservation Plan

Dear Ladies and Gentlemen:

Thank you for the opportunity to comment.

INADEQUATE REGULATORY PROCESS

The Central Delta Water Agency (CDWA) continues to be concerned with the lack of arms-length relations between the regulatory agencies and the United States Bureau of Reclamation and California Department of Water Resources who are the water export project operators.

It has for years clearly been recognized that SWP and CVP impacts including export pumping from the Delta cause substantial damage to the fisheries yet the projects until recent court intervention have been allowed to steadily increase exports. Even the physical limits on federal exports have been avoided through coordinated operations, joint points of diversion, wheeling of transferred water and other mechanisms. Although failing to provide protection, the State Water Resources Control Board in 1978 recognized the harm when in D-1485 it found: "To provide full mitigation of project impacts on all fishery species now would require the virtual shutting down of the project export pumps."

The BDCP process is yet another example where regulatory integrity has been compromised. The need for focus on the broad protection of the Bay-Delta Estuary and the fish and wildlife therein is being blurred by the emphasis on "covered species" and by the goal to protect water supply on an equal footing with restoring and protecting the environment.

The cornerstone for both the CVP and SWP was the promise that the needs including environmental needs within the Delta and other areas of origin would come first and that only surplus water would be exported.

The base level of protection must include:

- 1) full mitigation of project impacts including without limitation destruction of spawning habitat upstream and within the Delta, alteration of instream flows, alteration of water temperatures upstream and in the Delta, alteration of scour and sedimentation, creation of reverse flows, diversion and/or destruction of fish, eggs and larvae at the export pumps, reduction in water levels, reduced Delta spring and summer outflows, project-induced upstream diversions and resulting discharges including degradation of water quality particularly in the San Joaquin River where San Luis Unit water was not to be provided without an adequate valley drain;
- 2) salinity control to both mitigate for project impacts and enhance Delta water quality;
- 3) preservation of fish and wildlife at project contractor cost as per Water Code section 11900 et seq. (Stats. 1961 c.867) and
- 4) compliance with the Coordinated Operations Project Operation Policy (Public Law 99-546).

The plan must also adhere to other constraints for planning and operations such as the CVPIA (Public Law 102-575) which includes doubling the natural production of "anadromous fish" including stocks of salmon, steelhead, striped bass, sturgeon and American shad and the Water Supply, Reliability and Environmental Improvement Act (Public Law 108-361).

The BDCP process goals do not embrace the breadth of issues necessary for water project planning which will protect the general public interest and public trust.

FAILURE TO RECOGNIZE THAT IT MAY BE IMPOSSIBLE TO PROTECT THE ENVIRONMENT (OR EVEN JUST THE COVERED SPECIES) WITH CONTINUED SWP AND CVP EXPORTS FROM THE SACRAMENTO AND SAN JOAQUIN RIVERS WATERSHED REGARDLESS OF THE METHOD OF CONVEYANCE.

The BDCP planning goal number 3 provides "Allow for projects that restore and protect water supply, water quality, ecosystem and ecosystem health to proceed within a stable regulatory framework;".

The planning goal to restore and protect water supply is an inappropriate goal for regulatory agencies which have a duty to protect threatened and endangered species from CVP and SWP impacts. It may also be totally unrealistic.

The planning for the SWP contemplated the addition of 5 million acre feet of supplemental water to the Sacramento and San Joaquin Rivers Watershed from north coast rivers by the year 2000. Development of water from such north coast rivers of course did not take place. Factors such as cost, wild and scenic river legislation and greater environmental awareness likely played a part. It is quite clear that increasing demand for water within the watershed was anticipated and the 5 million acre feet of supplemental water was intended to meet the approximately 4.25 million acre feet of SWP contract entitlement and provide about .75 million acre feet to meet the growing needs within the watershed. (See attached excerpts from DWR Bulletin 76, Preliminary Edition, December 1960.) It was never intended that exports from the Delta would be sustained with water from the Sacramento and San Joaquin Rivers Watershed past the year 2000. The absence of the 5 million acre feet of supplemental water greatly reduces the ability of the watershed to assimilate natural and man-induced contaminants and likely precludes meeting both the needs within the watershed and the desires of the exporters. Any fair environmental evaluation must evaluate the range of tolerable exports from the watershed if any at all. It would appear that water could be available for some export in wetter years but unlikely that exports could be ~~restored or protected in other~~ years. The environmental evaluation must look at alternatives which develop supply from outside the Sacramento and San Joaquin Rivers watershed including desalting brackish groundwater, municipal wastewater and in some cases seawater. The breadth of the evaluation should also include a determination of the range of impacts resulting from continued development of arid lands and arid lands in differing regions. The goal should be to establish the present and future needs to provide full protection within the watershed and establish the bounds of what is truly surplus water which can be exported. Curtailment of export pumping at times when fish, water quality or water levels are adversely impacted may provide more than sufficient export pumping opportunities to divert the water which is truly surplus. Attached hereto are charts showing the Estimated Seasonal Natural Runoff 1917-18 to 1946-47 for both the North Coast Area and the Central Valley. It is important to note that for the period 1928-29 to 1933-34 (the 6 year drought) the average total runoff of the Central Valley was only 17,631,000 acre feet. This can be compared to local requirements of about 25,690,000 acre feet and a safe yield of about 22,500,000 acre feet. In a recurrence of such a drought, the Central Valley will be severely short of water and no surplus would be available for export. Alternatives which develop self-sufficiency in areas dependent upon imported water and reduce dependence upon exports from the Delta must be considered.

The hundreds of miles of canals and pipelines together with the appurtenant pumping and power facilities leaves the present water system highly vulnerable to earthquakes, terrorism and

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other threats including those outside the Delta. Real consideration of the reduced Delta export alternatives is critical.

These comments are intended to be preliminary and we further join in those submitted by the South Delta Water Agency.

Yours very truly,

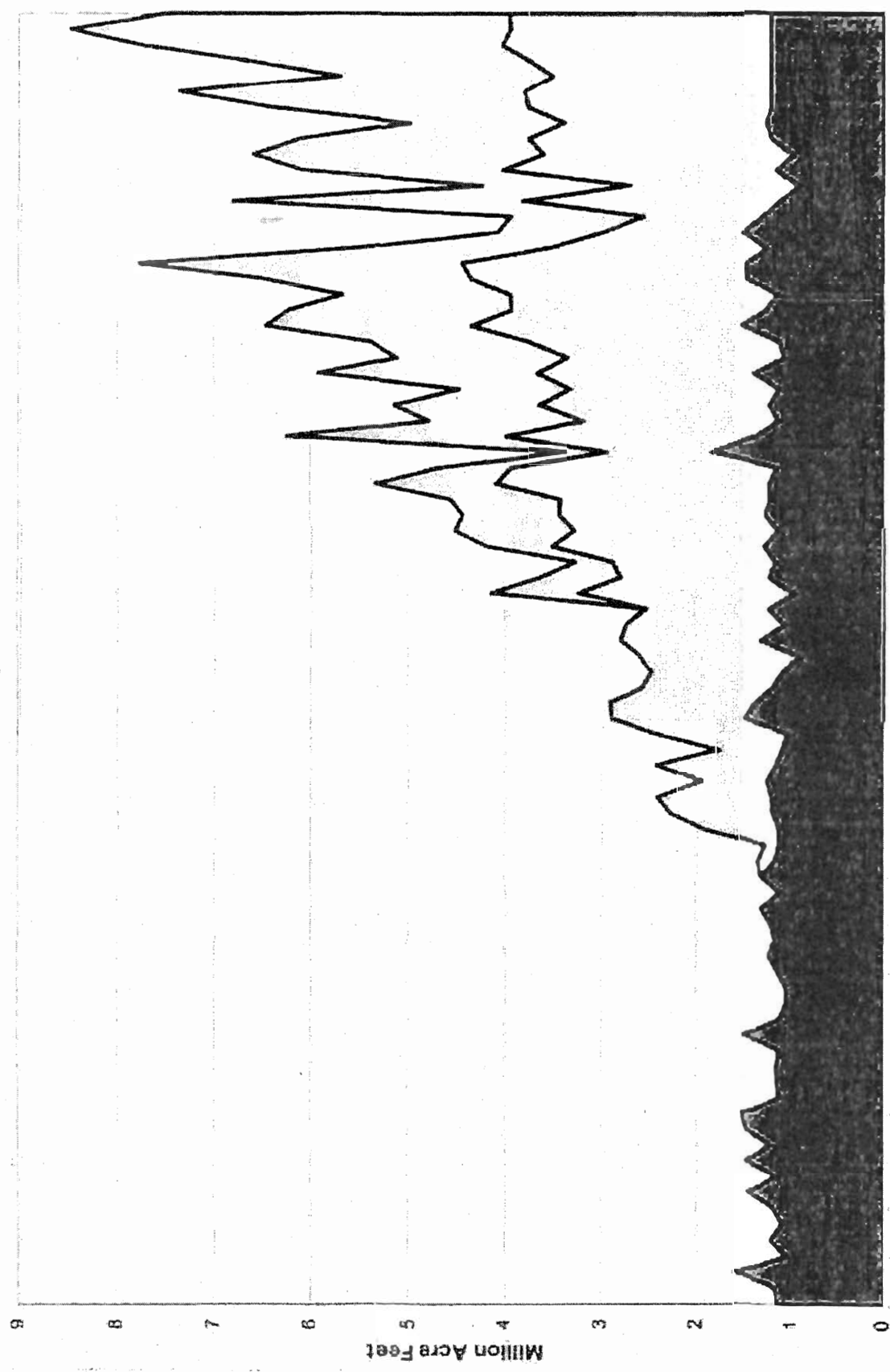


DANTE JOHN NOMELLINI
Manager and Co-Counsel

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Enclosures

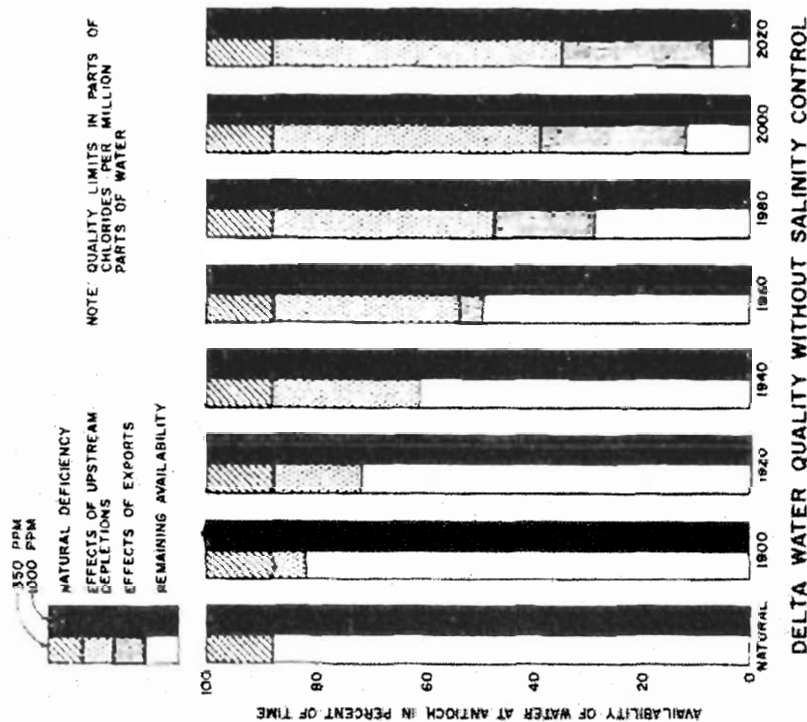
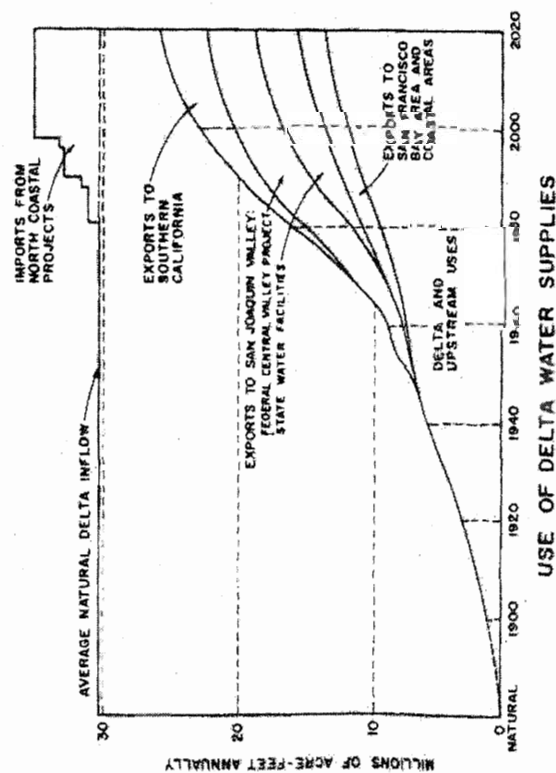
■ In-Delta Diversions ■ Tracy Exports ■ Banks Exports

Figure 6



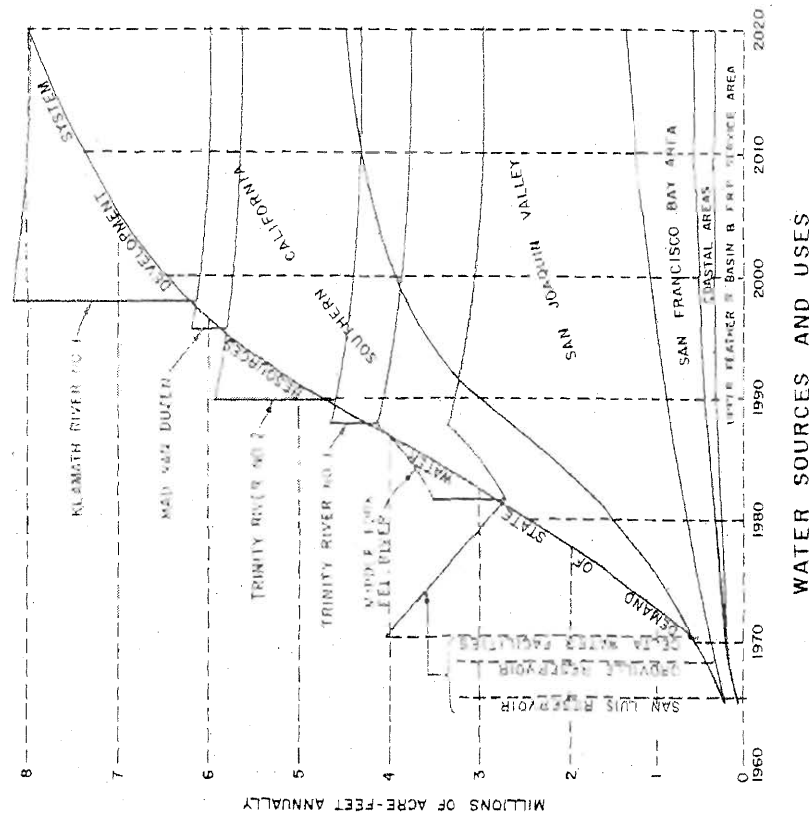
1923 1926 1929 1932 1935 1938 1941 1944 1947 1950 1953 1956 1959 1962 1965 1968 1971 1974 1977 1980 1983 1986 1989 1992 1995 1998 2001 2004

The natural availability of good quality water in the Delta is directly related to the amount of surplus water which flows to the ocean. The graph to the right indicates the historic and projected availability of water in the San Joaquin River at Antioch containing less than 350 and 1,000 parts chlorides per million parts water, under long-term average runoff and *without* specific releases for salinity control. It may be noted that even under natural conditions, before any significant upstream water developments, there was a deficiency of water supplies within the specified quality limits. It is anticipated that, without salinity control releases, upstream depletions by the year 2020 will have reduced the availability of water containing less than 1,000 ppm chlorides by about 60 percent, and that exports will have caused an additional 30 percent reduction.



The magnitude of the past and anticipated future uses of water in areas tributary to the Delta, except the Tulare Lake Basin, is indicated in the diagram to the left. It may be noted that, while the present upstream use accounts for reduction of natural inflow to the Delta by almost 25 percent, upstream development during the next 60 years will deplete the inflow by an additional 20 percent. By that date about 22 percent of the natural water supply reaching the Delta will be exported to areas of deficiency by local, state, and federal projects. In addition, economical development of water supplies will necessitate importation of about 5,000,000 acre-feet of water seasonally to the Delta from north coastal streams for transfer to areas of deficiency.

The coordinated use of surplus water in and tributary to the Delta and of regulated or imported supplements to this supply, as required, is referred to as the Delta Pooling Concept. Under this concept of operation the State will ensure a continued supply of water adequate in quantity and quality to meet the needs of export water users. Advantage will be taken of surplus water available in the Delta, and as the demand for water increases and the available surplus supply is reduced by further upstream uses, the State will assume the responsibility of guaranteeing a firm supply of water, which will be accomplished by construction of additional storage facilities and import works. At the same time, the water needs of the Delta will be fully met.



Tracy Pumping Plant

Full demands on the State Water Resources Development system can be met until about 1981 from surplus water in and tributary to the Delta with regulation by the proposed Oroville and San Luis Reservoirs. However, upstream depletions will reduce the available surplus supplies and water will have to be imported from north coastal sources after that year. It is anticipated that coordinated operation of the State Water Resources Development System and the Federal Central Valley Project will afford a limited increase in usable surplus Delta supplies beginning in 1981. As indicated in the chart, upstream depletions will continue to decrease the available surplus supplies.

WEBER FOUNDATION STUDIES

